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10/698,338	10/31/2003	Daniel Danker	MS1-1732US	9657
22801 7590 08/05/2010 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER				
SAINT CYR, JEAN D				
ART UNIT		PAPER NUMBER		
2425				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/698,338

Applicant(s)

DANKER ET AL.

Examiner

JEAN Duclos SAINT CYR

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/02/2010 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6-12, 13-16, 25-26, 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Those claims disclose a processor-readable medium containing computer storage and communication media and that communication can be a carrier wave as disclosed in paragraph 108 of the specification.

Claim Rejections - 35 USC § 112, Second Paragraph

Claim 13-16 are rejected under **35 USC § 112, Second Paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the language "means for" without a clearly defined corresponding structure from the specification. In other words, one of ordinary skill in the art would not be able to precisely identify the associated structure, material, or acts necessary for achieving the specified function within the specification – See MPEP 2181 IV.

Response to Amendment

This action is in response to applicant's amendment filed on 03/02/2010. Claim 1-4, 6-26 and 28 are still pending in the current application. **This action is made NON-FINAL.**

Response to Arguments

Applicant's arguments with respect to claim 1-4, 6-26 and 28 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the cited references did not disclose presenting a quick EPG- navigation UI in response to triggering user interactions that include a predetermined number of presses of the scroll forward key or a number of presses of scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future. Also, the applicant argues that the cited references did not disclose an EPG- navigation UI having two display areas where the first area is used for finding shows by name or keyword and the second area for finding show by time.

However, Alexander et al disclose the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day, col.10, lines 36-42. The EPG provides the viewer with the opportunity to select program titles, scheduled for delivery at future times,col.9, lines 65-66; The viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future. In the "all channel" format, the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day, col.10, lines 32-42; col.10, lines 43-49, see fig.9 and fig.8 where the first area contains names and second area has time. This information proves that the system is capable of displaying programs in EPG in arranging names in one side and time in the other side of the EPG-navigation.

And Park et al disclose If the down key value is consecutively input twice in the Full EPG mode shown in FIG. 5A, the mode is sequentially changed to the Mini EPG mode and then the Quick EPG mode,0032; key guide information is output enabling the EPG modes to be sequentially changed from one mode to another, e.g., from the Full EPG mode to the Quick EPG mode or to the Mini EPG mode, the controller 106 controls transitions among the EPG modes using, e.g., up .tangle-solidup. And down .tangle-soliddn. Keys so that the EPG modes are sequentially changed whenever the up or down key value is input, 0031.with this information, it is clear that the quick EPG-navigation is generated in response to triggering user interactions with the remote control. As a result, this action is made non-final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al in view of Park et al, US No.20040032528.

Re claim 1, Alexander et al disclose a processor-readable medium having processor- executable instructions that, when executed by a processor, performs operations comprising: presenting an electronic program guide (EPG) user interface (UI) illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel(see fig.1; a grid guide 22 where every program is associated with channel and time);

monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI (EPG also records information surrounding the viewer's interaction, col.28, lines 60-61; see fig.3; the viewer can view program listings scheduled at future times by pressing keys 32 or 34 to move horizontally about the Grid, col.4, lines 54-56);

wherein the triggering user interactions include a pre-determined number of presses of the scroll forward key or a number of presses of the scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future (the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day, col.10, lines 36-42; and

responding to a user's selection of one or more of the options of the quick EPG-navigation UI(selecting a theme brings up a screen listing, by time, channel, and title, of the programs that are consistent with the selected theme on a second-level theme screen, col.34, lines 46-49).

But did not explicitly disclose in response to one or more triggering user interactions, presenting a quick EPG- navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the EPG-navigation UI having one or more user-selectable options therein,

However, Park et al disclose in response to one or more triggering user interactions, presenting a quick EPG- navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the EPG-navigation UI having one or more user-selectable options therein(If the down key value is consecutively input twice in the Full

EPG mode shown in FIG. 5A, the mode is sequentially changed to the Mini EPG mode and then the Quick EPG mode, 0032; 0031; 0029).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Park into the invention of Alexander for the purpose of displaying a quick EPG navigation in response to the triggering user interactions with the remote control.

Re claim 2, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining which user-selectable options to include based upon context of user interactions with the EPG UI before a triggering user interaction (the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip, col.20, lines 10-12).

Re claim 3, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining positioning of the quick EPG-navigation UI within the EPG UI based upon context of user interactions with the EPG UI before a triggering user interaction (the viewer can jump to the channel slot for a particular channel by entering the digits of the channel identification number on the key pad of the viewer's remote control device. The EPG interprets the number and calculates the proper position for the EPG cursor. The EPG then displays the cursor at the appropriate channel slot on-screen, col.16, lines 29-35).

Re claim 4, Alexander et al disclose wherein the method further comprises generating the quick EPG-navigation UI and determining positioning of the quick EPG-navigation UI within the grid pattern of the schedule of multimedia programming based upon context of user interactions with the EPG UI before a triggering user interaction (The EPG then displays the cursor at the appropriate channel slot on-screen, col.16, lines 34-35).

Re claim 6, Alexander et al disclose wherein the triggering user interactions also include are selected from a group consisting of: a performance of a designated selection action(the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip,col.20, lines 10-12) .

Re claim 7, Alexander et al disclose wherein the user- selectable options include an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters the-to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

Re claim 8, Alexander et al disclose after the presenting of the quick EPG-navigation UI, the quick EPG-navigation UI comprises one or more display areas, wherein contents of such display areas are selected from a group consisting of: one or more options to search future programming based upon one or more characteristics of that programming; one or more options to look ahead into the schedule of multimedia programming of the EPG UI; one or more options to view one or more live television multimedia programs; one or more options to view one or more on-demand multimedia programs; one or more options to view one or more pay-per-view multimedia programs; one or more options to view one or more locally stored multimedia programs; one or more options to view one or more multimedia commercial messages; one or more options to filter or otherwise adjust the parameters tae-to determine which

programs are listed by time within the grid(see fig.1; a grid guide 22; offer search capabilities to the viewer to locate information of interest, col.18, lines 52-53).

Re claim 9, Alexander et al disclose wherein the responding to the user's selection comprises presenting new content of which is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 10, Alexander et al disclose further comprising receiving a scroll forward input after the presenting of the EPG-navigation UI and, in response, presenting the EPG without the EPG-navigation UI(scrolling up and down, col.10, lines 37-42).

Re claim 11, Alexander et al disclose wherein the quick EPG-navigation UI is presented so that it is inlaid between time blocks of the schedule of multimedia programming in the grid pattern and so that it is shown as being associated with a channel(see fig.7, a quick navigation table).

Re claim 12, Alexander et al disclose a multimedia presentation system comprising: a multimedia presentation device, a medium as recited in claim 1(a television receiver, a VCR, or a cable box, col.3, line 25; see rejection on claim 1).

As claim 13, the claimed "the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel; means for receiving a user interaction with the EPG UI, including

presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI..." is composed of the same structural elements as previously discussed with respect to the rejection of claim 1.

Re claim 14, Alexander et al disclose further comprising a means for presenting the EPG UI (see fig.1).

Re claim 15, Alexander et al disclose wherein the triggering user interactions also include a press of a scroll backward key indicating a desire to browse backwards in time performance of a designated selection action (scrolling up and down, col.10, lines 37-42).

Re claim 16, Alexander et al disclose wherein the user-selectable options include are selected from a group consisting of: an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

As claim 17, the claimed "receiving one or more user interactions with an electronic program guide user interface illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel; monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the

EPG UI..." is composed as the same structural element as previously discussed with respect to claim 1.

Re claim 18, Alexander et al disclose wherein the triggering user interactions also include a press of a scroll backward key indicating a desire to browse backwards in time performance of a designated selection action (scrolling up and down, col.10, lines 37-42).

Re claim 19, is met as previously discussed with respect to claim 7.

Re claim 20, is met as previously discussed with respect to claim 10.

As claim 21, the claimed " a presentation unit configured to present an electronic program guide user interface illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel; an input unit configured to monitor and receive user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI..." is composed as the same structural element as previously discussed with respect to claim 1.

Re claim 22, Alexander et al disclose wherein the new content is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future ; a live television multimedia program; a on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program and a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 23, Alexander et al disclose wherein the triggering user interactions also include a press of a scroll backward key indicating a desire to browse backwards in time performance of a designated selection action (scrolling up and down, col.10, lines 37-42).

Re claim 24, Alexander et al disclose wherein the user- selectable options include an option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

Re claim 25, is met as previously discussed with respect to claim 1.

Re claim 26, Alexander et al disclose a processor-readable medium as recited in claim 25, wherein the new content is selected from a group consisting of: a new EPG UI listing future programming based upon one or more characteristics of that programming; a new grid showing a schedule of upcoming multimedia programming of the EPG UI starting at a time in the future; a live television multimedia program; an on-demand multimedia program; a pay-per-view multimedia program; a locally stored multimedia program; and a multimedia commercial message(viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future, col.10, lines 32-35).

Re claim 28, Alexander et al disclose wherein the user- selectable options include an

option to search future programming based upon one or more characteristics of that programming; an option to look ahead into the schedule of multimedia programming of the EPG UI; an option to view one or more live television multimedia programs; an option to view one or more on-demand multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more locally stored multimedia programs; an option to view one or more pay-per-view multimedia programs; an option to view one or more multimedia commercial messages; and an option to filter or otherwise adjust the parameters the-to determine which programs are listed by time within the grid(the viewer is also given the option of filtering, col.11, lines 35-36).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr /

/Brian T Pendleton/

Supervisory Patent Examiner, Art Unit 2425